

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Kwame Surpris

Write the full name of each plaintiff.

CV
(Include case number if one has been assigned)

-against-

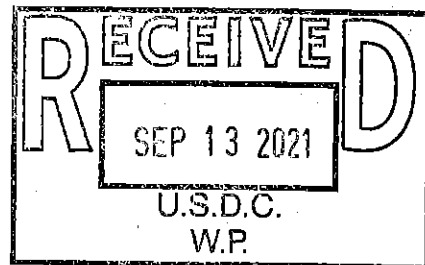
The People of the New York State of New York
New Rochelle Police Department, Kristin Laughlin
New Rochelle City Court

COMPLAINT

Do you want a jury trial?

☐ Yes ☐ No

Write the full name of each defendant. If you need more space, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section II.



NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case?

☐ Federal Question

☐ Diversity of Citizenship

A. If you checked Federal Question

Which of your federal constitutional or federal statutory rights have been violated?

My right to a fair and just trial

B. If you checked Diversity of Citizenship

1. Citizenship of the parties

Of what State is each party a citizen?

The plaintiff, Kwame Surpris, is a citizen of the State of
(Plaintiff's name)

New York
(State in which the person resides and intends to remain.)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of

If more than one plaintiff is named in the complaint, attach additional pages providing information for each additional plaintiff.

If the defendant is an individual:

The defendant, _____, is a citizen of the State of _____
(Defendant's name)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of _____

If the defendant is a corporation:

The defendant, _____, is incorporated under the laws of the State of _____

and has its principal place of business in the State of _____

or is incorporated under the laws of (foreign state) _____

and has its principal place of business in _____

If more than one defendant is named in the complaint, attach additional pages providing information for each additional defendant.

II. PARTIES

A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

<u>Kwame</u>		<u>Surpris</u>
First Name	Middle Initial	Last Name
<u>21 Davenport Ave</u>		
Street Address		
<u>Westchester, New Rochelle</u>	<u>New York</u>	<u>10805</u>
County, City	State	Zip Code
<u>347 866 3376</u>		
Telephone Number	Email Address (if available)	

B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

Defendant 1: Kristin Loughin
First Name Last Name

Current Job Title (or other identifying information)

Current Work Address (or other address where defendant may be served)

Westchester, New Rochelle NY 10801
County, City State Zip Code

Defendant 2:

First Name Last Name

New Rochelle City Court

Current Job Title (or other identifying information)

475 North Ave

Current Work Address (or other address where defendant may be served)

Westchester, New Rochelle NY 10805
County, City State Zip Code

Defendant 3:

First Name Last Name

New Rochelle Police Department

Current Job Title (or other identifying information)

475 North Ave

Current Work Address (or other address where defendant may be served)

Westchester, New Rochelle NY 10805
County, City State Zip Code

Defendant 4:

First Name

Last Name

Current Job Title (or other identifying information)

Current Work Address (or other address where defendant may be served)

County, City

State

Zip Code

III. STATEMENT OF CLAIMPlace(s) of occurrence: New York Sports Club, 175 Huguenot St. New RochelleDate(s) of occurrence: 11/23/2018**FACTS:**

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and what each defendant personally did or failed to do that harmed you. Attach additional pages if needed.

The case was a public lewdness case. It was said I had exposed my private area to the plaintiff at the time. I went to trial and was found guilty of the alleged misdemeanor. I attempted to file an appeal through my public defender but was neglected at the time. I made numerous attempts to contact my public defender but was unable to verify if an appeal was ever submitted. The court ordered that I take mouth swab for DNA. During the trial, there was supporting evidence and proof that I didn't commit any acts that was said about me in the case. There was video footage from the plaintiff (Kristin Loughin) proving I had not done what she had claimed. Though there were witnesses at the time of the arrest accessing of such acts never came to court to support Kristin Loughin allegations during the trial. I felt the court was being biased towards the facts of the case.

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

Wrist and ankle injuries from the arrest

Emotional Suffering and depression

deformation of character

IV. RELIEF

State briefly what money damages or other relief you want the court to order.

I am suing for \$100,000

V. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

<u>9/13/2021</u>		<u>Kwame Surpris</u>	
Dated		Plaintiff's Signature	
<u>Kwame</u>		<u>Surpris</u>	
First Name	Middle Initial	Last Name	
<u>21 Davenport Ave</u>			
Street Address			
<u>Westchester, New Rochelle</u>	<u>New York</u>	<u>10805</u>	
County, City	State	Zip Code	
<u>347 866 3376</u>			
Telephone Number	Email Address (if available)		

I have read the Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☐ Yes ☐ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.



United States District Court
Southern District of New York

Pro Se (Nonprisoner) Consent to Receive Documents Electronically

Parties who are not represented by an attorney and are not currently incarcerated may choose to receive documents in their cases electronically (by e-mail) instead of by regular mail. Receiving documents by regular mail is still an option, but if you would rather receive them only electronically, you must do the following:

1. Sign up for a PACER login and password by contacting PACER¹ at www.pacer.uscourts.gov or 1-800-676-6856;
2. Complete and sign this form.

If you consent to receive documents electronically, you will receive a Notice of Electronic Filing by e-mail each time a document is filed in your case. After receiving the notice, you are permitted one "free look" at the document by clicking on the hyperlinked document number in the e-mail.² Once you click the hyperlink and access the document, you may not be able to access the document for free again. After 15 days, the hyperlink will no longer provide free access. Any time that the hyperlink is accessed after the first "free look" or the 15 days, you will be asked for a PACER login and may be charged to view the document. For this reason, *you should print or save the document during the "free look" to avoid future charges.*

IMPORTANT NOTICE

Under Rule 5 of the Federal Rules of Civil Procedure, Local Civil Rule 5.2, and the Court's Electronic Case Filing Rules & Instructions, documents may be served by electronic means. If you register for electronic service:

1. You will no longer receive documents in the mail;
2. If you do not view and download your documents during your "free look" and within 15 days of when the court sends the e-mail notice, you will be charged for looking at the documents;
3. This service does *not* allow you to electronically file your documents;
4. It will be your duty to regularly review the docket sheet of the case.³

¹ Public Access to Court Electronic Records (PACER) (www.pacer.uscourts.gov) is an electronic public access service that allows users to obtain case and docket information from federal appellate, district, and bankruptcy courts, and the PACER Case Locator over the internet.

² You must review the Court's actual order, decree, or judgment and not rely on the description in the email notice alone. See ECF Rule 4.3

³ The docket sheet is the official record of all filings in a case. You can view the docket sheet, including images of electronically filed documents, using PACER or you can use one of the public access computers available in the Clerk's Office at the Court.

CONSENT TO ELECTRONIC SERVICE

I hereby consent to receive electronic service of notices and documents in my case(s) listed below. I affirm that:

1. I have regular access to my e-mail account and to the internet and will check regularly for Notices of Electronic Filing;
2. I have established a PACER account;
3. I understand that electronic service is service under Rule 5 of the Federal Rules of Civil Procedure and Rule 5.2 of the Local Civil Rules, and that I will no longer receive paper copies of case filings, including motions, decisions, orders, and other documents;
4. I will promptly notify the Court if there is any change in my personal data, such as name, address, or e-mail address, or if I wish to cancel this consent to electronic service;
5. I understand that I must regularly review the docket sheet of my case so that I do not miss a filing; and
6. I understand that this consent applies only to the cases listed below and that if I file additional cases in which I would like to receive electronic service of notices of documents, I must file consent forms for those cases.

Civil case(s) filed in the Southern District of New York:

Note: This consent will apply to all cases that you have filed in this court, so please list all of your pending and terminated cases. For each case, include the case name and docket number (for example, John Doe v. New City, 10-CV-01234).

Name (Last, First, MI)

Address

City

State

Zip Code

Telephone Number

E-mail Address

Date

Signature

Return completed form to:

Pro Se Intake Unit (Room 200)
500 Pearl Street
New York, NY 10007

MISDEMEANOR COMPLAINT



D.D. No.:

Event No.:

CCNo

Case Report No:

CaseNo

18-005904

Return Date:

Appearance Ticket:

Arrest Number:

249

Court Docket No.:

CR-9316-18

Defendant in Custody from:

12:05 November 23, 2018

To

THE PEOPLE OF THE STATE OF NEW YORK

against

D.O.B.:

0

Kwame Surpris

11/13/1990

STATE OF NEW YORK

COUNTY OF WESTCHESTER

, being duly sworn, deposes and says that he/she is employed by as a , in the state of New York and that on the 23 day of November, 2018, at about 11:55 at 175 HUGUENOT ST NEW ROCHELLE in the County of WESTCHESTER, New York.

OFFENSE

245.00 ()

Public Lewdness

B

MISDEMEANOR

AT THE TIME AND PLACE AFORESAID, THE DEFENDANT(S) DID VIOLATE SECTION 245.00 OF THE PENAL LAW OF THE STATE OF NEW YORK. A person is guilty of public lewdness when he intentionally exposes the private or intimate parts of his body in a lewd manner or commits any other lewd act

(a) in a public place, or (b) in private premises under circumstances in which he may readily be observed from either a public place or from other private premises, and with intent that he be so observed.

(b) (i) in private premises under circumstances in which he or she may readily be observed from either a public place or from other private premises, and with intent that he or she be so observed, or

(ii) while trespassing, as defined in section 140.05 of this part, in a dwelling as defined in subdivision three of section 140.00 of this part, under circumstances in which he or she is observed by a lawful occupant.

To Wit:

Defendant grabbed his crotch area in a lewd manner over his clothes while behind the victim. Defendant was pleasuring his penis while his pants were unbuckled in a public place.

Prepared By

SERGEANT KANE, SEAN

11/26/18
@
9:30 AM
NRCity
Court

Max
Ditabio

Any false statements made herein are punishable as a Class A Misdemeanor pursuant to Section 210.45 of the Penal Law.

Subscribed and sworn to before me this
23 day of November, 2018

PS 12 #1020

ORI No: NY0590112
Order No: 2018-000240
NYSID No: 14506786K
CJTN No: 068824951N

PRESENT: Honorable Gail B. Rice

PEOPLE OF THE STATE OF NEW YORK
- against -

Kwame Surpris,
Defendant

Case 1:21-cv-07652-UA Document 2 Filed 09/13/21 Page 1 of 1
At a term of the New Rochelle City Court, County of Westchester, at the Courthouse at 475
North Avenue, New Rochelle, NY 10801, State of New York

ORDER OF PROTECTION

Non-Family Offense - C.P.L. 530.13¹
(Not involving victims of domestic violence)

☐ Youthful Offender (check if applicable)

Part: Criminal Case No.: CR-09316-18

Charges: PL 245.00 BM Public Lewdness, 1 count(s) of B Misd, 1 count(s) of Viol

DOB: 11/13/1990

Defendant Present in Court

NOTICE: YOUR FAILURE TO OBEY THIS ORDER MAY SUBJECT YOU TO MANDATORY ARREST AND CRIMINAL PROSECUTION, WHICH MAY RESULT IN YOUR INCARCERATION FOR UP TO SEVEN YEARS FOR CONTEMPT OF COURT. IF THIS IS A TEMPORARY ORDER OF PROTECTION AND YOU FAIL TO APPEAR IN COURT WHEN YOU ARE REQUIRED TO DO SO, THIS ORDER MAY BE EXTENDED IN YOUR ABSENCE AND THEN CONTINUES IN EFFECT UNTIL A NEW DATE SET BY THE COURT.

☒ TEMPORARY ORDER OF PROTECTION - Whereas good cause has been shown for the issuance of a temporary order of protection

☐ ORDER OF PROTECTION - Whereas defendant has been convicted of [specify crime or violation]:

And the Court having made a determination in accordance with section 530.13 of the Criminal Procedure Law,

IT IS HEREBY ORDERED that the above-named defendant Kwame Surpris (DOB: 11/13/1990) observe the following conditions of behavior:

Stay away from Kristin Loughin;
the home of Kristin Loughin;
the school of Kristin Loughin;
the business of Kristin Loughin;
the place of employment of Kristin Loughin;

Refrain from communication or any other contact by mail, telephone, e-mail, voice-mail or other electronic or any other means with Kristin Loughin;

Refrain from assault, stalking, harassment, aggravated harassment, menacing, reckless endangerment, strangulation, criminal obstruction of breathing or circulation, disorderly conduct, criminal mischief, sexual abuse, sexual misconduct, forcible touching, intimidation, threats or any criminal offense or interference with the victim or victims of, or designated witnesses to, the alleged offense and such members of the family or household of such victim(s) or witness(es) as shall be specifically named Kristin Loughin; Refrain from intentionally injuring or killing without justification the following companion animal(s) (pet(s)) Any And All;

Surrender any and all handguns, pistols, revolvers, rifles, shotguns and other firearms owned or possessed, including, but not limited to, the following: Any And All and do not obtain any further guns or other firearms. Such surrender shall take place immediately, but in no event later than Today by 4:30pm at New Rochelle City Police 475 North Avenue, New Rochelle, New York 10801;

IT IS FURTHER ORDERED that the above-named Defendant's license to carry, possess, repair, sell or otherwise dispose of a firearm or firearms, if any, pursuant to Penal Law §400.00, is hereby suspended, and the Defendant shall remain ineligible to receive a firearm license during the period of this order. NOTE: If this paragraph is checked, a copy of this form must be sent to: New York State Police, Pistol Permit Section, State Campus Building #22, 1220 Washington Avenue, Albany, New York 12226-2252.

IT IS FURTHER ORDERED that this order of protection shall remain in force until and including 11/26/2019, but if you fail to appear in court on this date, the order may be extended and continue in effect until a new date set by the Court.

DATED: 11/26/2018

☒ Defendant advised in Court of issuance and contents of Order.

☐ Order to be served by other means [specify]:

☐ Warrant issued for Defendant

☒ Order personally served on Defendant in Court

(Defendant's signature)

☐ ADDITIONAL SERVICE INFORMATION [specify]:

The Criminal Procedure Law provides that presentation of a copy of this order of protection to any police officer or peace officer acting pursuant to his or her special duties shall authorize, and in some situations may require, such officer to arrest a defendant who has violated its terms and to bring him or her before the Court to face penalties authorized by law.

Federal law requires that this order must be honored and enforced by state and tribal courts, including courts of a state, the District of Columbia, a commonwealth, territory or possession of the United States, if the person against whom the order is sought is an intimate partner of the protected party and has been or will be afforded reasonable notice and opportunity to be heard in accordance with state law sufficient to protect that person's rights (18 USC §§2265, 2266).

It is a federal crime to:

- cross state lines to violate this order or to stalk, harass or commit domestic violence against an intimate partner or family member;
- buy, possess or transfer a handgun, rifle, shotgun or other firearm or ammunition while this Order remains in effect (Note: there is a limited exception for military or law enforcement officers but only while they are on duty); and
- buy, possess or transfer a handgun, rifle, shotgun or other firearm or ammunition after a conviction of a domestic violence-related crime involving the use or attempted use of physical force or a deadly weapon against an intimate partner or family member, even after this Order has expired. (18 U.S.C. §§ 922(g)(8), 922(g)(9), 2261, 2261A, 2262).

¹ Use this form for non-family offense orders of protection, issued pursuant to CPL §530.13, that are not issued to protect victims of family offenses, intimate partners and family and household member and are not entered onto the statewide domestic violence registry. See Exec. L. 1221-a(1), CPL §§530.11(1), 530.12(1), 530.13.

CCs: Westchester County District Attorney
New Rochelle City Police Department
Kristin Loughin